



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 16, 2024

RE: **ZONING-23-000093 Courtney (Downers Grove / District 2)**

DuPage County Board: January 23, 2024:

Development Committee: January 16, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow the good side of the fence to face inward instead of outward to adjacent property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000093 Courtney** dated December 6, 2023.
2. That the Conditional Use zoning relief shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Zoning Hearing Officer: December 6, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow the good side of the fence to face inward instead of outward to adjacent property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000093 Courtney** dated December 6, 2023.
2. That the Conditional Use zoning relief shall expire after five (5) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow the finished side of fence to face inward instead of outward toward the adjacent property.
- B. That petitioner testified that they have lived at the subject property since 2017.

- C. That petitioner testified that the previous fence fell down in a storm and that they replaced the subject fence as it previously existed when they purchased the home, with the finished side facing inward instead of outward.
- D. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief to allow the finished side of fence to face inward instead of outward toward the adjacent property does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

STANDARDS FOR CONDITIONAL USES:

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the subject fence does not impact or impair the supply of light and air to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will apply for a building permit from the County for the subject fence.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the subject fence does not diminish the value of land and buildings throughout the County, as the fence replaced a previously existing fence in the same orientation with the good side facing inward.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the subject fence is located behind the front wall of the home and does not impact traffic.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the subject fence.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the subject fence.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the subject fence does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000093 Courtney	
ZONING REQUEST	Conditional Use to allow the good side of the fence to face inward instead of outward to adjacent property.	
OWNER	JASON AND ANNA COURTNEY, 4005 N GRANT STREET, WESTMONT, IL 60559	
ADDRESS/LOCATION	4005 N GRANT STREET, WESTMONT, IL 60559	
PIN	09-04-212-002	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.34 ACRES (14,810 SQ. FT.)	
UTILITIES	WELL / SEWER	
PUBLICATION DATE	Daily Herald: NOVEMBER 21, 2023	
PUBLIC HEARING	WEDNESDAY, DECEMBER 6, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Westmont:		
Village of Downers Grove:	“The Village of Downers Grove has no comments.”	
Village of Oak Brook:	No Comments Received.	
Village of Clarendon Hills:	No Comments Received.	
Downers Grove Township:	No Comments Received.	
Township Highway:	Our office has no jurisdiction in this matter.	
Westmont Fire Dist.:	No Comments Received.	
Sch. Dist. 201:	No Comments Received.	
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	GRANT STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC





